

ASSEMBLY BILL

No. 2777

Introduced by Assembly Member Nation

February 25, 2002

An act to amend and repeal Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as introduced, Nation. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, subject to approval by the county board of supervisors and certain limitations.

This bill would also make these provisions applicable to Santa Barbara County, subject to approval by the county board of supervisors, and would delete a redundant provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31780.2 of the Government Code, as
2 added by Chapter 893 of the Statutes of 2001, is amended to read:
3 31780.2. (a) In a county of the 10th class *or the 16th class*,
4 as defined in Sections 28020 ~~and~~, 28031, *and* 28037, any benefits
5 accorded to a spouse pursuant to this article and Article 11
6 (commencing with Section 31760), Article 15.5 (commencing

1 with Section 31841), Article 15.6 (commencing with Section
2 31855), and Article 16 (commencing with Section 31861), or any
3 of them, may be accorded to a domestic partner, as defined in
4 Section 297 of the Family Code, and registered pursuant to
5 Division 2.5 (commencing with Section 297) of the Family Code,
6 provided that the member and the member's domestic partner have
7 a current Affidavit of Domestic Partnership, in the form adopted
8 by the county board of supervisors, on file with the county for at
9 least one year prior to the member's retirement or death prior to
10 retirement.

11 (b) In the event a member described in subdivision (a) has a
12 surviving dependent child, the surviving dependent child shall
13 receive the death and survivor's allowance until age 19 years or
14 until married, whichever occurs earlier, or until age 22 years if
15 attending an educational institution. When the member's
16 surviving dependent child reaches age 19 years or is no longer a
17 dependent, whichever occurs earlier, or reaches age 22 years if
18 attending an educational institution, then the benefits accorded to
19 a spouse, as specified in subdivision (a), may be accorded to a
20 domestic partner pursuant to this section. However, if a surviving
21 dependent child elects to receive a lump sum payment, the lump
22 sum payment shall be shared among any surviving dependent
23 children and the domestic partner, pursuant to this section, in a
24 proportional manner.

25 (c) This section shall not be operative unless and until the
26 county board of supervisors, by resolution adopted by a majority
27 vote, makes this section operative in the county.

28 SEC. 2. Section 31780.2 of the Government Code, as added
29 by Chapter 146 of the Statutes of 2001, is repealed.

30 ~~31780.2. (a) In a county of the 10th class, as defined in~~
31 ~~Sections 28020 and 28031, any benefits accorded to a spouse~~
32 ~~pursuant to this article and Article 11 (commencing with Section~~
33 ~~31760), Article 15.5 (commencing with Section 31841), Article~~
34 ~~15.6 (commencing with Section 31855), and Article 16~~
35 ~~(commencing with Section 31861), or any of them, may be~~
36 ~~accorded to a domestic partner, as defined in Section 297 of the~~
37 ~~Family Code, provided that the member and the member's~~
38 ~~domestic partner have a current Affidavit of Domestic~~
39 ~~Partnership, in the form adopted by the county board of~~

1 supervisors, on file with the county for at least one year prior to the
2 member's retirement or death prior to retirement.

3 ~~(b) In the event a member described in subdivision (a) has a~~
4 ~~surviving dependent child, the surviving dependent child shall~~
5 ~~receive the death and survivor's allowance until age 19 years or~~
6 ~~until married, whichever occurs earlier, or until age 22 years if~~
7 ~~attending an educational institution. When the member's~~
8 ~~surviving dependent child reaches age 19 years or is no longer a~~
9 ~~dependent, whichever occurs earlier, or reaches age 22 years if~~
10 ~~attending an educational institution, then the benefits accorded to~~
11 ~~a spouse, as specified in subdivision (a), may be accorded to a~~
12 ~~domestic partner pursuant to this section. However, if a surviving~~
13 ~~dependent child elects to receive a lump sum payment, the lump~~
14 ~~sum payment shall be shared among any surviving dependent~~
15 ~~children and the domestic partner, pursuant to this section, in a~~
16 ~~proportional manner.~~

17 ~~(c) This section shall not be operative unless and until the~~
18 ~~county board of supervisors, by resolution adopted by a majority~~
19 ~~vote, makes this section operative in the county.~~

